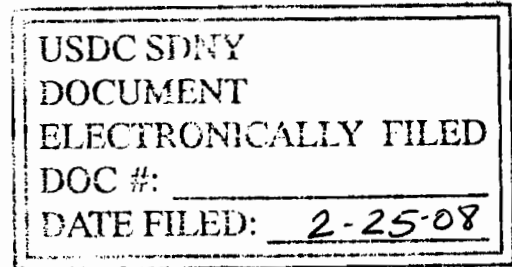


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
EXP GROUP, LLC et al.,	:	
	:	
Plaintiffs,	:	07 Civ. 10611 (JSR)
	:	
-v-	:	ORDER
	:	
MEGA TROPICAL PRODUCE et al.,	:	
	:	
Defendants.	:	
-----X	:	

JED S. RAKOFF, U.S.D.J.



At an initial status conference in the above-captioned case, plaintiffs' counsel indicated that plaintiffs wished to make a motion for a default judgment because defendants had failed to appear or answer. See transcript, 2/7/08. Accordingly, the Court directed counsel to make and serve the contemplated motion by February 15, 2008, and the Court set a return date and time for hearing the motion of February 21, 2008 at 9:00 a.m. See id. Plaintiff's counsel, however, failed either to make the motion or to appear in court at the appointed time. It seems apparent, therefore, that plaintiffs have abandoned the case, and accordingly the case is dismissed. If plaintiffs' counsel wishes to proceed with the case, he must file with the Court by no later than February 28, 2008 an affidavit explaining, if he can, his above-described failures. If no such affidavit is filed by then, the Clerk of the Court is directed to enter final judgment dismissing the case with prejudice.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
February 21, 2008